IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.12679 of 2005

Between:

Kalluru Rama Lakshumma W/o Obul Reddy
R/o Pulivendula Town, Pulivendula Po and Mandal,

Kaddapa District

..... PETITIONER

AND

1 The Superintending Engineer,

Roads and Buildings, Kadapa
2 The Executive Engineer, Roads and Buildings,

Pulivendula, Kadapa District
3 The Puliendula Municipality, rep by Commissioner,

Pulivendula, Kadapa District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in trying to demolish the house of the petitioner bearing 1/3076, 13/3077, 1/3078 and 1/3079 situated on Parnapalle Road, Pulivendula Town, Kadapa Distict without initiation of proceedings under Land Acquisition Act and without following due process of law as illegal arbitrary and violative of ARt, 19 (1) (g) and 300-A of the Constitution of India and consequently direct the respondents not to demolish the house of the petitioner of Pulivendula Town, Kadapa District, and to pass such other order or orders as this Hon'ble Court may deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.K.SITA RAM

Counsel for the Respondent Nos.1 and 2: GP FOR ROADS & BUILDINGS

Counsel for the Respondent No.3: MR S.NEWTON

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed seeking Writ of Mandamus, declaring the action of the respondents in trying to demolish the house of the petitioner bearing Nos.1/3076, 1/3077, 1/3078, and 1/3079 situated on Parnapalli Road, Pulivendula Town, Kadapa District without initiation of proceedings under Land Acquisition Act and without following the due process of law, as illegal and arbitrary.

Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the 3rd respondent/Municipality.

The learned counsel for the petitioner contended that the petitioner is the absolute owner of house bearing Nos.1/3076, 1/3077, 1/3078, and 1/3079 situated on Parnapalli Road, Pulivendula Town of Kadapa District and she has not encroached any Government site. It is his further contention that without initiating land acquisition proceedings, and without issuing any notice, the respondents are trying to demolish her house in the process of road widening.

On the other hand, the learned counsel for the 3rd respondent contended that on mere apprehension only, the petitioner filed this writ petition, and the respondents have not been taken any steps for demolition of house of the petitioner.

The Division Bench of this Court in ***P.Lakshmana Rao v. Executive Officer*** issued certain guidelines to be followed by the authorities in acquiring the properties of public for the purpose of widening roads. When a property is required for public purpose viz., for widening of roads or for any other purpose, the authorities straightaway cannot take the law into their hands and jump into the premises and attempt to evict the occupants or dispossess them or demolish their property. Before taking any such action, the authorities concerned shall issue a notice notifying as to the nature of the property, the purpose for which it is required, to whom it belongs and the action proposed calling for explanation or objections, if any, from the occupants and after considering the said objections or explanations, the authorities shall pass appropriate orders, if necessary.

Following the guidelines issued by this Court in the above referred judgment, I deem

it appropriate to dispose of the writ petition, with a direction to the respondents not to take any steps for demolition of house of the petitioner without following due procedure, without initiating land acquisition proceedings and without making any negotiations with the petitioner.

The Writ Petition is, accordingly, disposed of. No order as to costs.

Dated: 15.06.2005

Dsr

Note:

Issue wire at party's costs

B/o

Dsr

ASSISTANT REGISTRAR

To:

1. The Superintending Engineer,

Roads and Buildings, Kadapa

2. The Executive Engineer,

Roads and Buildings, Pulivendula,

Kadapa District

3. The Commissioner,

Pulivendula Municipality,

Pulivendula, Kadapa District

4. Two CCs to the Government Pleader for

Roads & Buildings, High Court Buildings,

Hyderabad (OUT)

5. Two CD copies

6. 1 CC to MR.NEWTON

7. 1 CC to MR.SITA RAM

*Form-NIC-OGS/WP{**TRT**}*